



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Public Disclosure Commission

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Repeal

(1) Date of adoption: May 25, 1999

(2) Purpose: Repeals a rule originally adopted to address a public concern that no longer appears to exist.

(3) Citation of existing rules affected by this order:

Repealed: WAC 390-20-100 Effect of Public Disclosure Act -- Freedom of Communication -- Employer Interference.

(4) Statutory authority for adoption: RCW 42.17.370(1)

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 99-09-060 on April 19, 1999.

Describe any changes other than editing from proposed to adopted version: None.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☒ 31 days after filing
☐ Other:

Emergency Rules

- ☐ Immediately
☐ Later:

* (If less than 31 days after filing, specific finding is 5.3 under RCW 34.05.380(3) is required)

NAME

Vicki Rippie

SIGNATURE

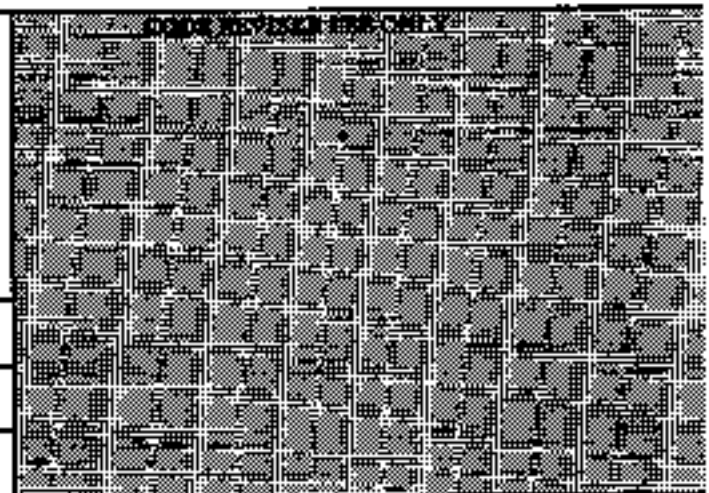
Vicki Rippie

TITLE

Assistant Director

DATE

5-25-99



REPEALED WAC 390-20-100

WAC 390-20-100 Effect of Public Disclosure Act--Freedom of Communication--Employer Interference. Except as provided by RCW 42.17.150 - 42.17.190, which require certain persons who lobby to register and file periodic reports with the commission, nothing in the Public Disclosure Act shall be deemed to impair or restrict the right of any individual to communicate to any member of the legislature or other legislative enactment of any other state agency, regardless of whether or not such matter as to which he or she communicates also affects, directly or indirectly, the interest of his or her employer: Provided, Such activity involves no unauthorized or unlawful use of an employer's time or funds.

Nothing in the act shall be deemed to necessitate or excuse if otherwise unlawful, any instruction, directive or order issues, orally or in writing, by any employer restraining such communication by an employee, or requiring such employee to obtain advance permission from such employer in order to make such communication. Any adverse action taken against such employee for the alleged violation of such instruction, directive or order, contrary to the policies expressed in these rules, which depends or purports to depend upon the provisions of the Public Disclosure Act for its validity, shall be considered unlawful. Any such action, when reported to or discovered by the commission, shall be reported to appropriate enforcement agencies for such civil or criminal action as may be appropriate. (Order 85-05, filed 11/26/85; Order 9, former WAC 390-04-070, filed 4/23/73; Em. Order 8, filed 2/32/73)

(j) Short explanation of rule, its purpose, and anticipated effects:

In 1973, when the initiative establishing the public disclosure law was being implemented, there was considerable concern that the lobbyist reporting provisions of the new statute might be construed as abridging in some way the public's right to communicate with governmental officials. WAC 390-20-100 was adopted to address that concern. It is likely that the public's anxiety has disintegrated over the years.

The elimination of this rule will have no impact on the public's ability to communicate with elected officials.

Does proposal change existing rules: ☒ **YES** ☐ **NO** **If yes, describe changes:**

The existing rule would be repealed.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ **YES. Attach copy of small business economic impact statement.**
A copy of the statement may be obtained by writing to:

☒ **NO. Explain why no statement was prepared.**

The proposed amendment does not have an economic impact on small businesses.

(l) Does section 201, chapter 403, Laws of 1995, apply to this rule adoption? ☐ **Yes ☒ **No****
Please explain:

The Public Disclosure Commission is not specified in Section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

Proposed for REPEAL

WAC 390-20-100 Effect of Public Disclosure Act—Freedom of Communication—Employer Interference. Except as provided by RCW 42.17.150 - 42.17.190, which require certain persons who lobby to register and file periodic reports with the commission, nothing in the Public Disclosure Act shall be deemed to impair or restrict the right of any individual to communicate to any member of the legislature or other legislative enactment of any other state agency, regardless of whether or not such matter as to which he or she communicates also affects, directly or indirectly, the interest of his or her employer: Provided, Such activity involves no unauthorized or unlawful use of an employer's time or funds.

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